

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:01-00011-07

M. DERRICK SPRY

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 21, 2011, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, M. Derrick Spry, appeared in person and by his counsel, Christian M. Capece, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith, the defendant having commenced a thirty-seven month term of supervised release in this action on June 21, 2011, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 26, 2010.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed marijuana as evidenced by a positive urine specimen submitted by him on July 28, 2011; (2) that the defendant failed to abide by the special condition that he spend a period of six months at Transitions, Inc., from which he was discharged on October 3, 2011, for failing to comply with the program rules after serving only three and one-half months of the six-month term; and (3) that the defendant used and possessed suboxone without a prescription as admitted by him to the probation officer on October 25, 2011; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

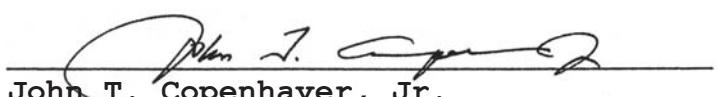
imposed upon the defendant in this action be, and it hereby is,
revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE MONTHS AND ONE DAY.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 29, 2011


John T. Copenhaver, Jr.
United States District Judge